

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JAMES BALDWIN,)	
)	
Petitioner,)	Civil Action No. 21-1520
)	
v.)	District Judge Arthur J. Schwab
)	Magistrate Judge Maureen P. Kelly
SUPERINTENDENT, SCI ALBION;)	
ATTORNEY GENERAL OF)	
PENNSYLVANIA; <i>and</i>)	
DISTRICT ATTORNEY OF ALLEGHENY)	
COUNTY,)	
)	
Respondents.)	

MEMORANDUM ORDER

Petitioner James Baldwin (“Petitioner”) is a state prisoner currently incarcerated at the State Correctional Institution at Albion (“SCI-Albion”) located in Albion, Pennsylvania. Petitioner initiated the present matter on October 25, 2021 by filing Petition under 28 U.S.C. § 2254 for a Writ of Habeas Corpus by a Person in State Custody (the “Petition”) without paying the required filing fee or moving for leave to proceed *in forma pauperis*. [ECF No. 1](#).

On June 7, 2022, United States Magistrate Judge Maureen Kelly issued a Report and Recommendation recommending that this case be dismissed for failure to prosecute, and that a certificate of appealability be denied. [ECF No. 8 at 6](#). A copy of the Report was mailed to petitioner’s address of record on the same date. Objections were due on June 24, 2022. As of the date of this Order, Petitioner has not responded to the Report.

After *de novo* review of the pleadings and documents in the case, together with the Petition, [ECF No. 1](#), and the Report and Recommendation, [ECF No. 8](#), the Court hereby affirms the Report and Recommendation at [ECF No. 8](#), and the following Order is entered:

AND NOW, this 5th day of July, 2022, IT IS HEREBY ORDERED, ADJUDGED, and DECREED that this case is DISMISSED due to Petitioner's failure to prosecute. A certificate of appealability is DENIED.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if Petitioner wishes to appeal from this Order, he must do so within thirty days by filing a notice of appeal as provided in Rule 3 of the Federal Rules of Appellate Procedure, with the Clerk of Court, United States District Court, 700 Grant Street, Room 3110, Pittsburgh, PA 15219.

s/ Arthur J. Schwab

Arthur J. Schwab

United States District Court Judge

cc: The Honorable Maureen P. Kelly
United States Magistrate Judge

JAMES BALDWIN
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